#### **DEPARTMENT OF VETERANS AFFAIRS**

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# CALIFORNIA CODE OF REGULATIONS TITLE 12, MILITARY AND VETERANS AFFAIRS DIVISION 2, DEPARTMENT OF VETERANS' AFFAIRS CHAPTER 4, VETERANS' HOME OF CALIFORNIA SUBCHAPTER 1. ADMINISTRATION AMENDMENT TO SECTION 506

# NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CDVA) proposes to take the regulatory action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

#### **PUBLIC HEARING**

A public hearing concerning the proposed regulatory action has not been scheduled, but any interested person or his or her duly authorized representative may request a public hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

NOTICE IS GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Department of Veterans Affairs Office of the Chief Counsel 1227 O Street, Suite 306 Sacramento, California 95814 Attention: Vasilios Spyridakis

Comments may also be submitted to Vasilios Spyridakis (contact person) by facsimile to (916) 653-2454 or by e-mail to: <a href="mailto:vasilios.spyridakis@cdva.ca.gov">vasilios.spyridakis@cdva.ca.gov</a>. Comments must be submitted prior to 5:00 p.m. on July 15, 2011.

Following the comment period, the CDVA may thereafter adopt the proposals substantially as described in the Informative Digest or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

# **AUTHORITY AND REFERENCE**

Section 1044 of the California Military and Veterans Code authorizes the CDVA to adopt the proposed amendment to the regulation. The amendment implements, interprets, and makes specific the term "income" as it appears in section 1012.3 of the California Military and Veterans Code.

# INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Veterans Affairs ("CDVA") operates several Veterans Homes for aged and disabled California veterans. Military and Veterans Code Section 1012.3 establishes a monthly fee for residency in these Homes based on a percentage of the resident's income, but fails to define "income" in this context.

This rulemaking action implements, clarifies and makes specific the meaning of the term "income" as it appears in Military and Veterans Code section 1012.3. The purpose of the proposed amendment is to provide a definition of "income" specifying which pecuniary sources are factored in its calculation, thereby enabling residents in the Veterans Homes to better predict their fees. There are no comparable provisions of federal law related to this proposal.

# LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### COSTS OR SAVINGS TO STATE AGENCIES

This proposal does not result in any costs or savings to state agencies.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

# NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES

This proposal does not impose nondiscretionary costs or savings on local agencies.

#### COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE

This proposal will not impose costs or savings in federal funding to the state.

# **BUSINESS IMPACT/SMALL BUSINESSES**

Pursuant to section 11346.5, subdivision (a)(8) of the California Government Code, the CDVA has made an initial determination that the proposed regulatory action would have no significant

statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Government Code section 11342.610. The determination that the proposal would not affect small businesses is based upon the fact that the proposal's primary purpose is to define the term "income" upon which Home residency fees are based. Accordingly, its impact is limited to residents of the Veterans Homes.

# ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

Pursuant to section 11346.3, subdivision (b), of the California Government Code, the CDVA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

# COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

The CDVA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON HOUSING COSTS

None.

# **ALTERNATIVES CONSIDERED**

The CDVA must determine that no reasonable alternative it considered or otherwise identified would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome for affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing if one is held.

# **CONTACT PERSONS**

Inquiries concerning the proposed adoption of this regulation amendment and written comments may be directed to: Chief Counsel Robert Wilson, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 654-7022 or Staff Counsel Vasilios Spyridakis, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 653-1406.

# INITIAL STATEMENT OF REASONS AND INFORMATION

The CDVA has prepared an initial statement of the reasons for the proposed action and has made available all of the information upon which the proposal is based.

# TEXT OF PROPOSAL

Copies of the text of the proposed amendment and of the initial statement of reasons, along with all information upon which the proposal is based, may be obtained upon request from the California Department of Veterans Affairs at 1227 O Street, Suite 306, Sacramento, CA 95814. These documents may also be viewed and downloaded from the CDVA website at http://www.cdva.ca.gov.

# AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact persons named above.

# AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the CDVA may adopt the proposed regulation substantially as described in this notice. If the CDVA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CDVA adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Chief Counsel Robert Wilson at the address indicated above. The CDVA will accept comments on the modified regulations for 15 days after the date on which they are made available.

# WEBSITE ACCESS

Materials regarding this proposal can be found at http://www.cdva.ca.gov.